

Entered on Docket

February 09, 2010

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: February 08, 2010

A handwritten signature in blue ink that appears to read "Re Carlson".

THOMAS E. CARLSON
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re) Case Nos.
)
12 CMR MORTGAGE FUND, LLC,) 08-32220 TEC
CMR MORTGAGE FUND II, LLC,) 09-30788 TEC
13 CMR MORTGAGE FUND III, LLC, and) 09-30802 TEC
HAMILTON CREEK, LLC,) 08-31285 TEC
14)
Debtors.) Chapter 11
15)
16)
17)

**ORDER RE UNITED STATES TRUSTEE'S MOTION
TO APPOINT TRUSTEE OR EXAMINER**

On January 29, 2010, the court held a hearing in each of the four above-captioned cases on the United States Trustee's Motion to Appoint a Trustee or an Examiner (the Motion). Julie M. Glosson appeared for the United States Trustee. Elizabeth Berke-Dreyfuss appeared for Fund I. Robert G. Harris appeared for Fund II and Hamilton Creek, LLC. Reno Fernandez appeared for Fund III. Michael A. Sweet appeared for the Equity Committee. Robert Feinbaum appeared in pro per. Christina M. Caige and Ryan M. Sandrock appeared for Canpartners Realty Holding Company IV LLC. Upon due consideration, and for the reasons stated on the record at

1 the hearing and in the court's tentative ruling filed on January
2 28, 2010, the court hereby orders as follows:

(1) The Motion is denied without prejudice as to each of the four Debtors (CMR Mortgage Fund, LLC; CMR Mortgage Fund II, LLC; CMR Mortgage Fund III, LLC; and Hamilton Creek, LLC), upon condition that the Equity Committee and each of the four Debtors file and serve a joint, combined plan (the Plan) and disclosure statement (the Disclosure Statement) by no later than March 1, 2010.

10 (2) The court will hold a hearing on the Disclosure Statement
11 on April 1, 2010 at 9:30 a.m.

12 (3) The deadline to file and serve objections to the
13 Disclosure Statement is March 25, 2010.

14 (4) If the Plan and Disclosure statement are not filed and
15 served by March 1, 2010, the court will hold a continued hearing on
16 the Motion on March 5, 2010 at 9:30 a.m.

****END OF ORDER****